

## THE CHARTER

[HISTORY: Adopted by the Town of Colchester 11-8-1994; amended in its entirety 11-7-2006 and 11-7-2017. Subsequent amendments noted where applicable.]

---

## ARTICLE I, General Provisions

---

### § C-101. Definitions.

In the interpretation of the Charter, the words and phrases set forth below shall be construed and defined as follows:

**Appointed Official** - an official of the Town appointed by the Board of Selectmen and serving at the pleasure of the Board of Selectmen, as permitted by the General Statutes or this Charter except as otherwise provided by law.

**Appointed Board** - a Town board, commission, committee, or study group composed of one or more ~~individuals~~ Electors appointed by the Board of Selectmen.

**Board of Education Budget** - the projected expenditures of the Board of Education.

**Board of Selectmen Budget** - the projected expenditures of the Board of Selectmen, including capital and debt service.

**Certified Petition** - a petition certified by the Town Clerk and conforming to the requirements of this Charter and the General Statutes. The Town Clerk must grant or deny this certification within ~~ten-~~ (10) business days following receipt of the last page of said petition. Should the Town Clerk fail to make such determination within the time allotted, ~~the~~ said petition shall automatically be deemed certified.

**Combined ~~Town~~ Budget** - the combined ~~overall~~ projected expenditures of the Town, ~~of whatever kind and whatever nature, including but not limited to, the budgets of the Boards~~ the Board of Selectmen Budget and ~~Education, the capital expenditure budget, and payments of debt service on the Town's indebtedness.~~ Board of Education Budget.

**Department Head** ~~==~~ the person or persons responsible for the management of each Town Department as well as the supervision of all Town Employees ~~or Appointed Officials~~ employed ~~by~~ in such Town Department.

**Elected Official** - an ~~official~~ Elector of the Town chosen by secret ballot by a plurality of the Electors of the Town voting for ~~said~~ an elected position.

**Elected Board** - a Town board, commission, committee or study group composed of one or more ~~individuals~~ Electors elected by secret ballot by a plurality of the Electors of the Town voting for ~~said~~ an elected position.

**Election** - a regular election as defined in the General Statutes.

**Elector** - as defined in the General Statutes, any person possessing the qualifications prescribed by the state constitution and duly admitted to, and entitled to exercise, the privileges of an ~~elector-~~ in Elector of the Town.

**General Statutes** - the Connecticut General Statutes as now in effect or as they may from time to time be amended.

**Member of an Appointed Board** ~~—~~ an Elector of the Town appointed by the Board of Selectmen to membership or as an alternate on an Appointed Board, who shall serve at the pleasure of the Board of Selectmen and without compensation of any kind.

**Municipal Election** - an Election at which municipal ~~officials~~ Elected Officials of the Town are elected.

**Public Hearing** - except as otherwise provided in the General Statutes, an open gathering in which members of the public are permitted to offer comments, but officials are not obligated to act on or respond to said comments.

**Town** - the Town of Colchester.

**Town Board** - a board of the Town, having either elected members, appointed members, or any combination thereof.

**Town Department** - all departments, agencies, and other subdivisions of the Town, except those under the Board of Education and its subsidiary departments, regardless of whether composed of Town Employees, Appointed Officials or Elected Officials and regardless of whether now or hereafter existing under the terms of this Charter, the General Statutes, or any other mandate to which the Town is subject.

**Town Employee** - all individuals in all Town Departments who receive or are entitled to receive compensation from either the Town or any Town Department, but excluding Elected Officials and employees of the Board of Education.

**Town Meeting** ~~—shall be~~ a special town meeting, annual budget meeting or annual ~~town~~ meeting as described in the General Statutes.

**Town Ordinance** - ~~an ordinance of~~ a law passed by the Town of Colchester, ~~as amended from time to time.~~ that regulates actions within the Town.

**Town Voters** - Electors and other persons eligible to vote at any Town Meeting other than a regular or special Town ~~election~~ Election, in accordance with the provisions of Section 7-6 of the General Statutes.

## **§ C-102. Rights and Obligations.**

Upon adoption of this Charter, the Town shall continue to own and remain vested in all property, both real and personal, all rights of action and rights of every description and all securities and liens, whether inchoate or choate which the Town owned or had rights in prior to the adoption of this Charter. Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, debt or lien. The Town shall remain liable for all debts and obligations of every kind for which the Town is liable on

the date of adoption of this Charter, whether accrued or undetermined. If any contract has been entered into by the Town prior to the adoption of this Charter, or any bond or undertaking has been given by or in favor of the Town, which contains provisions that the same may be enforced by any office or agency which is herein abolished or otherwise affected, such contracts, bonds or undertakings shall continue in full force and effect and, except as otherwise provided in this Charter, shall be exercised and discharged by the Board of Selectmen.

#### **§ C-103. General Powers of the Town.**

- A. All the inhabitants dwelling within the territorial limits of the Town, as previously constituted, shall continue to be a body politic and corporate under the name "Town of Colchester," and as such shall have perpetual succession and may hold and exercise all powers and privileges that have been exercised by the Town and are not inconsistent with the provisions of this Charter. In addition, the Town shall have such additional powers and privileges as conferred by the General Statutes.
- B. Upon adoption of this Charter, the Town shall retain all powers and privileges that it possesses immediately prior to such adoption, and shall have such additional powers and privileges granted to the Town by the General Statutes not inconsistent with this Charter. The Town shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted. The Town shall also have the power to make and enforce all bylaws and ~~ordinances~~Town Ordinances, not inconsistent with law or this Charter, which may be necessary or proper to carry into execution the foregoing powers. The enumeration of particular powers anywhere in this Charter shall not be construed as limiting this general grant of power to the Town but shall be considered as additional thereto. In the event of a total or partial conflict, whether apparent or actual, between this Charter and any Town Ordinance or bylaw, the provisions of this Charter shall govern and shall be enforced, regardless of said Town Ordinance or bylaw.

#### **§ C-104. Construction.**

The powers and privileges of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power herein granted.

---

### **ARTICLE II, Elected Officials and Elected Boards.**

---

#### **§ C-201. Elected Officials.**

The Town shall have the following Elected Officials:

- A. First Selectman.
- ~~B. Town Clerk.~~

B. {Reserved}

C. ~~Tax~~

~~Collector~~, {Reserved}

D. ~~Town Treasurer~~, {Reserved}

E. Registrars of Voters

#### **§ C-202. Elected Boards.**

The Town shall have the following Elected Boards, whose members shall be elected as provided in the General Statutes and this Charter:

- A. a five (5) member Board of Selectmen, one member of which shall be the First Selectman;
- B. a six (6) member Board of Finance;
- C. a seven (7) member Board of Education; and
- D. a three (3) member Board of Assessment Appeals.

#### **§ C-203. Eligibility for Election of Elected Officials and Members of Elected Boards.**

- A. Any Elector of the Town is eligible for election as an Elected Official or member of an Elected Board, provided:
  - (1) ~~(1)~~—no Elector shall simultaneously hold more than one elected position; and
  - (2) ~~(2)~~—no Elector shall simultaneously hold an elected position and an appointed position, whether as a Member of an Appointed Board or as an Appointed Official.
- B. If any Elected Official or member of an Elected Board shall cease to be an Elector of the Town or otherwise become ineligible to hold such position, then ~~that~~such official or member shall immediately cease to hold such office or to be such a member and such office or membership shall immediately be deemed vacant.
- C. Notwithstanding any provision of this Charter to the contrary, holding the position of Justice of the Peace shall not make a person ineligible for election as an Elected Official or a member of an Elected Board.
- D. This Section C-203 does not, and ~~should~~shall not be construed to, prohibit political activity of classified municipal employees that is permitted pursuant to Section 7-421 of the General Statutes.

**§ C-204. Succession Provisions in the event of an opening on an Elected Board (Except as provided in Section 303).**

In the event of a vacancy on an Elected Board, the remaining members of the Elected Board within 60 days of the start of such vacancy, shall appoint by majority vote a Successor Member (the "Successor Member") to membership on that board. The Successor Member shall be a member of the same political party as the prior member, or if the prior member was not affiliated with any political party, then such Successor Member shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior member has changed political parties or has become unaffiliated subsequent to being elected, then the Successor Member shall be a member of the prior member's political party (or unaffiliated, if applicable) at the time such prior member was elected. The Successor Member shall hold such membership until the next Municipal Election at which time a successor shall be elected to serve the remainder of the unexpired term of the prior member if applicable.

---

**ARTICLE III, The First Selectman.**

---

**§ C-301. Manner of Election and Term of Office.**

The First Selectman shall be elected by a plurality of the votes cast by the Electors of the Town for this office at a Municipal Election ~~held on the first Tuesday after the first Monday in November of every odd-numbered year.~~ Beginning with the Municipal Election on November 5, 2019, The First Selectman shall serve a ~~two~~four (~~2~~4) year term of office.

**§ C-302. Powers and Duties of the First Selectman.**

- ~~A.~~ B. The First Selectman shall be the Chief Executive Officer of the Town and shall be a full voting and participating member of the Board of Selectmen. The First Selectman shall also be a nonvoting ex-officio member of all Town Departments and Town Boards, except the Board of Education. The First Selectman shall exercise such additional powers and have such additional duties as are set forth in the General Statutes and in this Charter.
- B. The First Selectman shall be responsible to the townspeople and the Board of Selectman for the administration of Town government. The First Selectman shall be responsible for the direction and supervision of activities of all Town Departments, except the Board of Education, and all Appointed Boards, except as otherwise provided in the General Statutes. All ~~Elected Officials~~, Appointed Officials, Appointed Boards and Town Employees shall report to the First Selectman, but the First Selectman may delegate such oversight authority to any Appointed Official or Town Employee as is deemed necessary for the sound administration of Town government.
- ~~C.~~ C. The First Selectman may, with the approval of the Board of Selectmen and subject to such other limitations contained in the General Statutes and this Charter, enter into contracts or agreements on behalf of the Town with the exception of Board of Education contracts executed by the Town as

owner of real property used for school purposes.

- ~~D.~~ D. The First Selectman shall ensure that all laws and ordinances governing the Town are faithfully executed and shall make periodic reports to the Board of Selectmen on the conditions and affairs of the Town. The First ~~Selectmen~~ Selectman, with the assistance of all Town Department Heads, shall keep the Board of Selectmen fully apprised of the financial condition and administrative soundness of the Town and Town Departments.
- ~~E.~~ E. The First Selectman may appoint and remove members of regional and ~~interlocal~~ inter-local agencies and programs as authorized by ~~ordinances~~ Town Ordinances adopted pursuant to the applicable provisions of the General Statutes or this Charter. Nothing in this Charter shall be construed as limiting the authority of the Town, by action of the Board of Selectmen, to continue such participation or join new regional and ~~interlocal~~ inter-local agencies and programs, as authorized by the General Statutes.
- ~~F.~~ F. During the temporary absence of any Appointed Official or Department Head, the First Selectman either may perform or may appoint a designee to perform temporarily the duties of such Appointed Official or Department Head.

### **§ C-303. Succession Provisions.**

- A. Prior to any planned temporary absence or planned temporary period of incapacity of the First Selectman, such that the First Selectman shall be unable to perform his or her duties as required, the First Selectman shall designate one of the other members of the Board of Selectmen to assume the duties of the First Selectman for the duration of such period.
- B. In the event of an unplanned temporary absence or unplanned temporary period of incapacity of the First Selectman, such that the First Selectman shall be unable to perform his or her duties as required, the remaining members of the Board of Selectmen shall, with all deliberate speed, designate one of its members to assume the duties of the First Selectman for the duration of such period.
- C. In the event of a vacancy in the office of First Selectman, the remaining members of the Board of Selectmen shall, with all deliberate speed, select one of its members to assume the position of First Selectman for the unexpired term (the "Successor First Selectman"), which Successor First Selectman shall be a member of the same political party as the prior First Selectman or, if the prior First Selectman was not affiliated with any political party, then such Successor First Selectman shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior First Selectman has changed political parties or has become unaffiliated subsequent to being elected, then the Successor First Selectman shall be a member of the prior First Selectman's political party (or unaffiliated, if applicable) at the time such prior First Selectman was elected. If none of the members of the Board of Selectmen is able to assume the role of the Successor First Selectman in accordance with the provisions of this Section C-303(C), then the Board of Selectmen shall select an Elector to assume the role of the Successor First Selectman ~~in accordance with the provisions of this Section C-303(C)~~to serve until the next Municipal Election.

---

## **ARTICLE IV, The Board of Selectmen.**

---

### **§ C-401. Manner of Election and Term of Office.**

The four (4) other members of the Board of Selectmen shall be elected at a Municipal Election held on the first Tuesday after the first Monday in November ~~of every odd-numbered year.~~ These four (4) members shall be the four ~~(4)~~ highest vote getters from ~~amongst~~among those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes. No member of the Board of Selectmen, other than the First Selectman, shall receive a salary. - ~~The~~Beginning with the November 5, 2019 Municipal Election, the members of the Board of Selectmen shall serve ~~a two~~four (24) year ~~term~~terms of office.

### **§ C-402. Powers and Duties of the Board of Selectmen.**

- A. The Board of Selectmen shall exercise such powers and have such duties as are set forth in the General Statutes and in this Charter. Except where otherwise specified herein, the members of the Board of Selectmen shall act only in the presence of a quorum; and any action of the Board of



Selectmen shall require a majority vote by such quorum.

- B. The Board of Selectmen shall ~~execute~~approve all contracts to which the Town or any subdivision thereof is a party and all other agreements which bind the Town or any subdivision thereof in any way. The Board of Selectmen may not delegate this contractual authority.
- C. The Board of Selectmen shall administer all personnel policies concerning Town Employees and shall be responsible for the administration of all agreements, contracts and understandings regarding Town Employees, including labor contracts, benefit plans, and hiring policies. The appointment and dismissal of all Town Employees shall be administered by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government.
- D. The Board of Selectmen may recommend to the Town Meeting the creation or abolition by ordinance of ~~permanent~~ boards, commissions, committees, agencies, departments and offices not specifically authorized in this Charter. ~~For purposes of this section, boards, commissions, committees and study groups which are reasonably expected to remain active for longer than one (1) year shall be considered permanent.~~
- E. The Board of Selectmen, acting in its sole discretion, may appoint such temporary boards, commissions, committees or study groups as it may from time to time determine are necessary. For purposes of this section, only boards, commissions, committees and study groups which are reasonably expected to remain active for one year or less shall be considered temporary.
- F. The Board of Selectmen may ~~contract~~approve contracts for services and the use of facilities with the United States Government or any agency or instrumentality thereof, the State of Connecticut or any political subdivision, agency or instrumentality thereof, or may, ~~by agreement,~~approve agreements to join with any political subdivisions to provide services and facilities in accordance with the applicable provisions of the General Statutes.
- G. The Board of Selectmen shall appoint all Members of Town Appointed Boards and may remove any such member.
- H. Except as otherwise provided in the General Statutes, The Board of Selectmen shall oversee the internal operations of all Town Departments and Town Appointed Boards and any office which the Board of Selectmen fills by appointment. The Board of Selectmen may name one or more of its members to serve along with the First Selectman as a nonvoting ex-officio member of any Appointed Board.
- I. ~~The~~As required by Article 1110 and 1111, the Board of Selectmen may recommend to the Board of Finance the approval of the following matters concerning the Board of Selectmen's budget (subject to further approval by the Town Meeting, if so required):
  - (1) a n y supplemental appropriation of funds (Article 1111); and
  - (2) a n y transfer of funds between Town Departments (Article 1110).
- J. The Board of Selectmen may accept any road complying with planning and zoning regulations as a

municipal road, provided that prior to such acceptance:

- (1) the Town Engineer has certified to the Board of Selectmen that such road meets all applicable specifications and requirements; and
  - (2) the Board of Selectmen shall hold a ~~public-hearing~~Public Hearing prior to such acceptance at which public comments are heard.
- K. In no event shall the Board of Selectmen delegate its policymaking authority.
- L. The Board of Selectmen shall be the Water Pollution Control Authority for the Town.

**§ C-403. Limited Power to Adopt Town Ordinances.**

- A. The Board of Selectmen shall have the power to enact, amend and repeal ~~ordinances~~Town Ordinances only for the following purposes:
- (1) to incorporate any nationally recognized code, rules or regulations, which have been published or any code officially adopted by any administrative agency of the State of Connecticut, or any portion thereof, provided upon adoption of any such code, rules or regulations, copies of such shall be maintained and made available to the public in the office of the Town Clerk or in the office of the Town Department directly responsible for enforcing such code, rules or regulations and in the public library; and
  - (2) to ~~fix~~set and adjust the charges to be made for services rendered by the Town and to ~~fix~~set and adjust the charges for any violation of an existing ~~ordinance~~Town Ordinance for which a penalty is provided.
- B. No ~~ordinance~~Town Ordinance shall be acted upon by the Board of Selectmen pursuant to this section until a ~~public-hearing~~Public Hearing concerning such ordinance shall have been held by the Board of Selectmen. Notice of such ~~public-hearing~~Public Hearing shall be given at least ten (10) days in advance by publication of a legal notice in a newspaper having a general circulation in the Town and by posting a notice in the office of the Town Clerk. Copies of any such proposed ordinance shall be available to the public in the office of the Town Clerk at least ten (10) days prior to the date set for the ~~public-hearing~~Public Hearing. If substantive changes, as determined by Town counsel, are made to the proposed ordinance after the ~~public-hearing~~Public Hearing, a second ~~public-hearing~~Public Hearing shall be held prior to final action by the Board of Selectmen.
- C. Within one (1) business day of its approval by the Board of Selectmen, every ~~ordinance~~Town Ordinance adopted pursuant to the provisions of this section shall be filed with the Town Clerk, who shall record, compile, and publish the ~~ordinance~~Town Ordinance as required by the General Statutes. Within ten (10) days of receipt of such adopted ~~ordinance~~Town Ordinance, the Town Clerk shall also cause to be published a summary of the ~~ordinance~~Town Ordinance in a newspaper having a general circulation in the Town and shall keep a copy of the full text of the ~~ordinance~~Town Ordinance on file for public inspection.

- D. Every ~~ordinance~~ [Town Ordinance](#) adopted pursuant to the provisions of this section shall become effective no earlier than thirty-one (31) days after publication of its approval [unless the terms of a Town Ordinance provide a different effective date.](#)
- E. Notwithstanding any other provision of this Charter, the Board of Selectmen shall have the power to enact emergency ~~ordinances~~ [Town Ordinances](#) during any period of a public emergency threatening the lives, health or property of persons in the Town. The Board of Selectmen shall use the best means available to inform the public of the emergency ~~ordinance~~ [Town Ordinance](#) and the facts concerning the public emergency to which it relates. Any emergency ~~ordinance~~ [Town Ordinance](#), or amendment thereto, enacted pursuant to this subsection shall become effective immediately and shall be effective for a period of thirty-one (31) days unless sooner repealed by the Board of Selectmen. If within the thirty-one (31) days action has been initiated to convene either a Town Meeting or a ~~public-hearing~~ [Public Hearing](#) to make such emergency ~~ordinance~~ [Town Ordinance](#) permanent or to otherwise extend its validity, then such emergency ~~ordinance~~ [Town Ordinance](#) shall remain in effect until such Town Meeting or ~~public-hearing~~ [Public Hearing](#) is held.

**§ C-404. ~~Vacancies on the Board of Selectmen.~~ [\[Reserved\]](#)**

~~In the event of a vacancy on the Board of Selectmen, the remaining members of the Board of Selectmen, within sixty (60) days of the creation of such vacancy, shall appoint a successor selectman (the "Successor Selectman") to membership on the Board of Selectmen for the unexpired term, which Successor Selectman shall be a member of the same political party as the prior selectman, or if the prior selectman was not affiliated with any political party, then such Successor Selectman shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior selectman has changed political parties or has become unaffiliated subsequent to being elected, then the Successor Selectman shall be a member of the prior selectman's political party (or unaffiliated, if applicable) at the time such prior selectman was elected.~~

### § C-405. Limited Power of Investigation.

The Board of Selectmen shall, upon the affirmative vote of at least four ~~(4)~~ of its members, have the power to investigate any and all Town Departments, Elected Officials, Appointed Officials, Elected Boards and Appointed Boards for such purposes as they shall deem necessary. The Board of Selectmen shall have the power to call and to subpoena witnesses to testify and to furnish documentation on any matter under investigation. Town counsel shall be present when any witness so called appears before the Board of Selectmen. Any witness so called shall have the right to be accompanied by counsel during such testimony.

---

## ARTICLE V, Other Elected Officials.

---

### § C-501. ~~The Town Clerk.~~ [Reserved]

- A. ~~—The Town Clerk shall at all times be a person qualified to fulfill the duties of a town clerk as set forth in the General Statutes.~~
- B. ~~—The Town Clerk shall be elected by a plurality of the votes cast for this office at a Municipal Election held on the first Tuesday after the first Monday in November of every fourth year beginning in November 1995. The Town Clerk shall serve a four (4) year term of office.~~
- C. ~~—The Town Clerk shall be charged with the custody and control of all public records of the Town and shall have such other duties assigned to town clerks under the General Statutes.~~
- D. ~~—If the position of Town Clerk is vacant for any cause, the Board of Selectmen shall immediately designate a successor Town Clerk, with all powers and privileges incident thereto. The successor Town Clerk shall be a member of the same political party as the prior Town Clerk, or if the prior Town Clerk was not affiliated with any political party, then such successor Town Clerk shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior Town Clerk has changed political parties or has become unaffiliated subsequent to being elected, then the successor Town Clerk shall be a member of the prior Town Clerk's political party (or unaffiliated, if applicable) at the time such prior Town Clerk was elected. Such successor Town Clerk shall hold such office until the next Municipal Election. At this Municipal Election, the Electors shall elect a successor to serve for the remainder of the unexpired term of the prior Town Clerk.~~

### § C-502. ~~Tax Collector.~~ [Reserved]

- A. ~~—The Tax Collector shall at all times be a person qualified to fulfill the duties of a tax collector and a collector of taxes under the General Statutes.~~
- B. ~~—Manner of election and term of office. The Tax Collector shall be elected by a plurality of the votes cast for this office at an Election held on the first Tuesday after the first Monday in November of every fourth year beginning in November 1995. The Tax Collector shall serve a four-year term of office.~~
- C. ~~—Powers and duties. The Tax Collector shall be charged with the collection of all taxes and levies imposed by the Board of Finance, and shall have such other duties assigned to Tax Collectors under the General Statutes.~~
- D. ~~—Succession and vacancies. If the position of Tax Collector is vacant for any cause, the Board of Selectmen shall immediately designate an Acting Tax Collector, with all powers and privileges incident thereto. Such Acting Tax Collector shall hold such office until the next regular Election. At this Election, the Electors shall elect a successor to fill the unexpired term.~~

### § C-503. ~~The Treasurer.~~ [Reserved]

- A. ~~—The Treasurer shall at all times be a person qualified to fulfill the duties of a town treasurer as set forth in the General Statutes.~~

- ~~B. Manner of election and term of office. The Town Treasurer shall be elected by a plurality of the votes cast for this office at an Election held on the first Tuesday after the first Monday in November of every second year beginning in November 1995. The Town Treasurer shall serve a two-year term of office.~~
- ~~C. Powers and duties. The Town Treasurer shall receive all money belonging to the Town and shall have responsibility for depositing such moneys in the appropriate accounts and/or investments. Upon the direction of the proper authority, the Town Treasurer shall cause to be paid to the proper person(s) or organizations such moneys as needed for the sound administration of Town government. The Town Treasurer shall:~~
- ~~(1) Keep a record of all moneys received and when received;~~
  - ~~(2) Keep a record of all moneys expended and for what purpose and upon whose authority; and~~
  - ~~(3) Exercise such other powers and perform such other duties as assigned to Town Treasurers by the General Statutes.~~
- ~~D. Succession and vacancies. If the position of Town Treasurer is vacant for any cause, the Board of Selectmen shall immediately designate an Acting Town Treasurer. Such Acting Town Treasurer shall hold such office until the next regular Election. At this Election, the Electors shall elect a successor to fill the unexpired term.~~

---

## ARTICLE VI, Other Elected Boards.

---

### § C-601. The Board of Finance.

- A. The Town shall have a six (6) member Board of Finance as constituted at the time this Charter shall take effect.
- B. Beginning with the November 5, 2019 Municipal Election ~~held on the first Tuesday after the first Monday of November 1995, two (2) members of the~~ Board of Finance ~~shall~~members will be elected ~~every odd-numbered~~to a four ~~(4) year~~, each for a term of six (6) years. ~~At each Municipal Election, the two (2) members shall be the two (2) highest vote getters from amongst those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes.~~
- C. The Board of Finance shall be responsible for ~~developing and~~ presenting to the Town Voters the budgets for all Town Departments and the ~~overall Town government~~Combined Budget and shall have all of the powers and perform all of the duties conferred or imposed upon ~~boards~~Boards of ~~finance~~Finance by the General Statutes.
- (1) The Board of Finance shall have the authority to approve supplemental appropriations from, and transfers within, the ~~Town budget~~Board of Selectmen Budget as recommended by the Board of Selectmen, subject to the further approval of the Town Meeting, if so required.
  - (2) Prior to the Annual Budget Meeting, the Board of Finance shall hold at least two ~~(2) public hearings~~Public Hearings for the purpose of presenting the Combined ~~Town~~ Budget to interested Town Voters for their comments and suggestions.
- (3) The Board of Finance shall establish the mill rate, as set forth in the General Statutes.
- D. ~~In the event of a vacancy on the Board of Finance, the remaining members of the Board of Finance, within sixty (60) days of the start of such vacancy, shall appoint by majority vote a successor member (the "Successor Member") to membership on the Board of Finance, which Successor Member shall be a member of the same political party as the prior member, or if the prior member was not affiliated with any political party, then such Successor Member shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior member has changed political parties or has become unaffiliated subsequent to being elected, then the Successor Member shall be a member of the prior member's political party (or unaffiliated, if applicable) at the time such prior member was elected. The Successor Member shall hold such membership until the next Municipal Election, at which time a successor shall be elected to serve the remainder of~~

~~the unexpired term of the prior member.~~ {Reserved}

#### § C-602. The Board of Education.

- A. The Town shall have a seven ~~(7)~~-member Board of Education, as constituted at the time this Charter shall take effect.
- B. Beginning with the Municipal Election held on the first Tuesday after the first Monday of November 1995, members of the Board of Education shall be elected in accordance with Chapter 46, Education, Board of, of the Code of the Town of Colchester, subject to the requirements of minority political representation as required by this Charter and by the General Statutes. Members of the Board of Education shall serve a four (4) year term of office.
- C. (1) The Board of Education shall be responsible for maintaining all public elementary and secondary schools in the Town, shall implement the educational interests of the State, as defined in the General Statutes, and shall continue to have all of the powers and perform all of the duties conferred or imposed upon boards of education by the General Statutes.
- (2) Prior to the Annual Budget Meeting, the Board of Education shall participate in at least two ~~(2) public hearings~~ Public Hearings held by the Board of Finance for the purpose of presenting the ~~Town education budget~~ Board of Education Budget to the Town Voters.

#### D. {Reserved}

~~D.—In the event of a vacancy on the Board of Education, the remaining members of the Board of Education, within sixty (60) days of the start of such vacancy, shall appoint a successor member (the “Successor Member”) to membership on the Board of Education, which Successor Member shall be a member of the same political party as the prior member, or if the prior member was not affiliated with any political party, then such Successor Member shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior member has changed political parties or has become unaffiliated subsequent to being elected, then the Successor Member shall be a member of the prior member’s political party (or unaffiliated, if applicable) at the time such prior member was elected. The Successor Member shall hold such membership until the next Municipal Election, at which time a successor shall be elected to serve the remainder of the unexpired term of the prior member.~~

#### § C-603. The Board of Assessment Appeals.

- A. The Town shall have a three ~~(3)~~-member Board of Assessment Appeals as constituted at the time this Charter shall take effect.
- B. ~~The~~ Beginning with the Municipal Election held on November 5, 2019, three ~~(3)~~ members of the Board of Assessment Appeals shall be elected by a plurality of the votes cast for such office ~~at a Municipal Election held on the first Tuesday after the first Monday in November of every odd-numbered year~~ for a term of ~~two~~ four (24) years. The ~~three (3)~~ members shall be the three (3) highest vote getters from ~~amongst~~ among those seeking such office, subject to the requirements of minority political representation as required by this Charter and by the General Statutes.
- C. The Board of Assessment Appeals shall be <sup>14</sup> responsible for hearing all appeals of property

assessments in the Town and have such other powers and duties as set forth in the General Statutes.

D. ~~———— In the event of a vacancy on the Board of Assessment Appeals, the Board of Selectmen, within sixty (60) days of the start of such vacancy, shall appoint a successor member (the “**Successor Member**”) to membership on the Board of Assessment Appeals, which Successor Member shall be a member of the same political party as the prior member, or if the prior member was not affiliated with any political party, then such Successor Member shall also not be affiliated with any political party. Notwithstanding the foregoing, if the prior member has changed political parties or has become unaffiliated subsequent to being elected, then the Successor Member shall be a member of the prior member’s political party (or unaffiliated, if applicable) at the time such prior member was elected. The Successor Member shall hold such membership until the next Municipal Election, at which time a successor shall be elected to serve the remainder of the unexpired term of the prior member.~~ [{Reserved}](#)

---

## ARTICLE VII, Appointed Officials and Appointed Boards.

---

### § C-701. Appointed Officials.

The Board of Selectmen shall appoint the following Appointed Officials and such other Appointed Officials as required by the General Statutes:

A. Assessor

B. Tax Collector

C. Town ~~may have any~~ Clerk, and

D. Treasurer, provided that the statutory duties of a “town treasurer” may be incorporated into the duties of a Chief Financial Officer or other Appointed Official, Department Head or Town Employee.

The Board of Selectmen may appoint any other Appointed Officials as permitted by the General Statutes or this Charter .

### § C-702. Appointed Boards.

The Town shall have ~~the following Appointed Boards, and such other~~ Appointed Boards as ~~are~~ created pursuant to this Charter, or required by the General Statutes; all of whose members shall be appointed as provided in this Charter.

~~A. —a five (5) member Police Commission; and~~

~~B. —a nine (9) member Sewer and Water Commission.~~

### § C-703. Eligibility and Appointment of Appointed Officials.

Eligibility for appointment of Appointed Officials shall be governed, where applicable, by the General Statutes and/or the standards adopted by the Board of Selectmen. All Appointed Officials shall be appointed by the Board of Selectmen pursuant to procedures as adopted by the Board of Selectmen or permitted or required by the General Statutes.

### § C-704. Removal of Appointed Officials.

Appointed Officials shall be removed by the Board of Selectmen. If a removal procedure for a particular Appointed Official is not provided for in the General Statutes, then the Board of Selectmen may remove for any reason any Appointed Official, provided that such Appointed Official be notified in writing of the grounds for removal and given an opportunity to appear before the Board of Selectmen to respond to the grounds identified. If such Appointed Official desires such a meeting, such Appointed Official shall so notify the Board of Selectmen in writing within seven (7) days after notification of the grounds for removal. Such meeting shall be public only if such Appointed Official so requests. Such meeting shall be held no less than seven ~~(7)~~ nor more than thirty (30) days after notification of the grounds for removal. The decision of the Board of Selectmen shall be final. The date of notification of the grounds for removal shall be deemed to be the date of delivery if delivered by hand and two (2) days after the postmark if delivered by mail.



**§ C-705. Eligibility and Appointment of Members of Appointed Boards.**

- A. All Members of Appointed Boards shall be appointed by the Board of Selectmen pursuant to procedures adopted by the Board of Selectmen. Only Electors of the Town who do not hold an elected position within Town government are eligible for appointment as a Member of an Appointed Board. If any Member of an Appointed Board shall cease to be an Elector of the Town or otherwise become ineligible to hold such position, then that ~~member~~ Member shall immediately cease to hold such membership and that position shall immediately be deemed vacant. Appointment of replacement members will follow minority representation statutes.
- B. Notwithstanding any provision of this Charter to the contrary, holding the position of Justice of the Peace or Registrar of Voters shall not make a person ineligible for appointment to an Appointed Board hereunder.

**§ C-706. Removal of Members of Appointed Boards.**

- A. Except as otherwise provided in this Charter or in the General Statutes, the Board of Selectmen may remove for cause any Member of an Appointed Board, provided that such ~~member~~ Member be notified in writing of the grounds for removal and given an opportunity for a hearing before the Board of Selectmen. If such member or alternate desires such a hearing, such ~~member~~ Member shall so notify the Board of Selectmen in writing within seven (7) days after notification of the grounds for removal. Such hearing shall be public only if such member or alternate so requests. Such hearing shall be held no less than seven (7) nor more than thirty (30) days after notification of the grounds for removal. The decision of the Board of Selectmen shall be final. The date of notification of the grounds for removal shall be deemed to be the date of delivery if delivered by hand and two (2) days after the postmark if delivered by mail.
- B. From the date of notification of the grounds for removal until final action by the Board of Selectmen, such member or alternate shall be ineligible to perform the duties of office.
- C. For purposes of this provision, grounds for removal may include, but are not limited to: (i) unjustified absence from a significant number of the regularly scheduled and/or special meetings of a given board; (ii) unjustified absence from three (3) consecutive regularly-scheduled meetings and/or intervening special meetings of a given board; and (iii) violation of the Town's Code of Ethics. The Board of Selectmen shall determine whether any absence is justifiable.

**§ C-707. Appointment of Alternates to Appointed Boards.**

Should the General Statutes, this Charter or any Town Ordinance require the appointment of one or more alternates to an Appointed Board, the Board of Selectmen shall make such appointments. Should a Member of an Appointed Board for which alternates have been designated be absent or disqualified, the chair of such Appointed Board shall designate one such ~~alter~~ alternate to act in place of such ~~member.~~ Member. Should the

Board of Selectmen appoint two or more alternates to a single Appointed Board, the chair of such Appointed Board shall choose alternates in rotation so as to allow alternates to act as nearly an equal number of times as possible.

---

## ARTICLE VIII, ~~f.~~ RESERVED

---

---

## ARTICLE IX, ~~Appointed Boards.~~ RESERVED

---

### ~~§ C-901. The Police Commission.~~

~~The Board of Selectmen shall appoint a five (5) member Police Commission. The powers, duties, organization and term of appointment for the Police Commission shall be governed by the General Statutes and Section 214 of the Town Ordinances.~~

---

### ~~§ C-902. The Sewer and Water Commission.~~

- ~~A. The area of the Town served by the public water and sewer system, as may be expanded or reduced from time to time, shall be designated as the Sewer and Water District.~~
- ~~B. The Board of Selectmen shall appoint a nine (9) member Sewer and Water Commission, which shall be subject to the oversight and supervision of the Board of Selectmen.~~
- ~~C. The Sewer and Water Commission annually shall develop a budget of expenses for operating and maintaining the Sewer and Water District. The Sewer and Water Commission annually shall develop and submit to the Board of Selectmen a schedule of rates and fees for sewer and water services. Prior to submitting these rates and fees, the Sewer and Water Commission shall hold a public hearing to present this budget and these rates, along with a comparison of such budget and rates to those in effect in the last completed fiscal year and in the current year to date fiscal year. The Director of Public Works shall review such budget and rates and may recommend alterations to the Board of Selectmen. The Board of Selectmen may alter such budgets and rates as it deems appropriate.~~
- ~~D. The Sewer and Water Commission shall annually recommend to the Department of Public Works any construction and expansion of the Sewer and Water District and any expenditure for the care, maintenance, or reconstruction of the sewer and water system.~~
- ~~E. The Sewer and Water Commission shall administer the operations of the Sewer and Water District, including the construction, reconstruction, establishment, planning, restoration, enlargement, improvement, removal, care, repair and maintenance of all sewer and water systems. The Sewer and Water Commission may, upon authorization of the Director of Public Works and/or the Board of Selectmen, negotiate any contract incidental to the provision of sewer and water services, such as contracts for system repair or system expansion, except any labor contract or collective bargaining agreement. In no event shall the Sewer and Water Commission or any member thereof execute these contracts or bind the Town in any way.~~

---

## ARTICLE X, The Town Meeting and the Annual Budget Meeting.

---

### § C-1001. The Town Meeting.

- A. The Town Meeting shall be the legislative body of the Town. The Town Meeting shall be called to authorize those actions of the Town hereinafter enumerated below and in subsequent sections of this Charter and such additional actions as may be required (subject to express overrule by a ~~Special Referendum~~special referendum, as hereinafter defined).
- B. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town ~~Meeting~~  
~~for consideration of the following actions:~~  
Meeting for consideration of the following actions:

~~(1) approving the issuance of bonds and all other forms of borrowing, the terms of which obligate the Town for a time period of one (1) year or more;~~

- ~~(2) approving any supplemental appropriation of funds previously approved by the Board of Finance in an amount that exceeds one-half of one percent (0.5%) of the Combined Town Budget, excluding the budget of the Board of Education;~~
- ~~(3) approving any transfer of funds between Town Departments previously approved by the Board of Finance in an amount that exceeds one-half of one percent (0.5%) of the Combined Town Budget, excluding the budget of the Board of Education;~~
- ~~(4) approving either a supplemental appropriation or transfer of funds in an amount that, when added to the total of all other supplemental appropriations and transfers approved within the then current fiscal year, exceeds four percent (4.0%) of the Combined Town Budget, excluding the budget of the Board of Education;~~
- ~~(5) approving real estate purchases by the Town for which the consideration given exceeds \$10,000;~~
- ~~(6) approving the sale or other transfer of real property by the Town for which the appraised value of the real estate that is the subject of such transaction exceeds \$10,000;~~ 1) adopting or repealing any Town Ordinance, except those Town Ordinances subject to adoption by the sole act of the Board of Selectmen as designated by this Charter;

~~(7)~~ (2) approving the creation, consolidation or abolition of any permanent Town ~~board~~ Board, whether elected or appointed, for which this Charter does not make provision;

~~(8)~~ 3 approving the creation or abolition of any position for an Elected Official for which this Charter does not make provision;

~~(9) approving the execution by the Town of any lease and/or lease option not otherwise included in the Board of Selectmen's budget, whether as lessor or lessee, which obligates the Town for a period of one (1) year or more or which commits the Town to either make or receive lease payments of \$10,000 per fiscal year or more, and which has not otherwise been included within the Board of Selectmen's budget;~~ 4) as required, approving matters or proposals that are described in Sections 1107a-1108a, 1111a-1112a of this Charter; and

~~(10) approving the submission of an application for, or the actual participation in, any federal, state, local or private grant program not otherwise included in the budget and which requires or could require a contribution by the Town of \$50,000 per fiscal year or more in cash or in-kind, except those programs for which the Board of Education properly makes such application;~~

~~(11) adopting or repealing any Town Ordinance, except those Town Ordinances subject to adoption by the sole act of the Board of Selectmen as designated by this Charter; and~~

~~(12)~~ 5 such other matters or proposals as the Board of Selectmen, in its discretion, shall deem to be of sufficient importance to warrant a special Town Meeting.

C. In addition, the Board of Selectmen shall convene a Town Meeting for any proper, lawful, non- frivolous purpose upon the receipt by the Board of Selectmen of a Certified Petition requesting such meeting signed by at least ~~two~~ three percent (~~2.0~~ 3.0%) of the total Electors of the Town within sixty (60) days prior to its presentation to the Town Clerk. The Board of Selectmen shall convene said Town Meeting no less than twenty (20) and no more than ninety (90) days after the date on which the petition requesting such meeting is received by the Board of Selectmen.

§ C-1002. {Reserved}

§ C-1003. Procedure.

All Town Meetings shall be called in accordance with the General Statutes by resolution of the Board of Selectmen fixing the time and place of said meeting. Notice of said meeting shall be given in accordance with

the General Statutes and by posting a notice in an exterior place near the office of the Town Clerk. The first item of business at such meeting shall be the election of a moderator from among those in attendance; the First Selectman shall preside over such meeting until the moderator is so chosen. All Town Meetings may be recessed and reconvened at a later date and/or a different location upon the passage of a proper motion to do so.

---

## **ARTICLE XI, Special Referenda and Special Budget Referenda**

---

### **§ C-1101. {Reserved}**

### **§ C-1102. Special Referenda.**

- A. Any action taken at any Town Meeting may be subject to review by a special referendum. The Board of Selectmen shall call such a special referendum if, within thirty (30) days from the date of the Town Meeting at which the contested action was taken, the Board of Selectmen receives a Certified Petition requesting a special referendum signed by at least five percent (5.0%) of the total electors of the Town. The Board of Selectmen shall call said special referendum no less than five (5) and no more than twenty (20) days after the date on which the petition is certified in accordance with this Charter.
- B. The only question(s) which shall be presented at such special referendum shall be whether to ratify or overrule the action(s) of that particular Town Meeting. All questions so presented shall be phrased such that a vote of “Yes” shall indicate approval of the action(s) of the Town Meeting and a vote of “No” shall indicate disapproval of the action(s) of the Town Meeting.
- C. Any action taken at any Town Meeting that is approved at the Annual Budget Referendum or a special referendum shall be considered conclusively approved, and no further Town Meetings or special referenda regarding the specific action may be called.

### **§ C-1103. Special Budget Referenda.**

As described in Sections 1109a & 1111a of this Charter, the Board of Selectmen shall call a “special budget referendum” for approval of certain matters or proposals. The Board of Selectmen shall not be required to hold a Town Meeting prior to special budget referenda.

### **§ C-1104. Recount of Special Referenda and Special Budget Referenda.**

Recounts of the votes cast at special referenda and special budget referenda shall be pursuant to provisions in any applicable General Statutes. During the pendency of such recount, the Town shall not take any action in reliance upon the outcome of the initial vote count.

---

## **ARTICLE 1105, Annual Budget Meeting**

---

**§ C-1105a. Annual Budget Meeting.**

- A. The Board of Selectmen shall convene a special Town Meeting (the “Annual Budget Meeting”) for the purpose of considering the annual Combined ~~Town~~ Budget at such hour and at such place as the Board of Selectmen may determine or as the General Statutes may require ~~(the “Annual Budget Meeting”)~~. The Town’s Chief Financial Officer, or his or her designee, as well as at least two ~~(2)~~ representatives from each of the Boards of Education, Selectmen (one being the First Selectman, or his or her designee in extenuating circumstances) and Finance, shall be present at the Annual Budget Meeting and shall be available to respond to questions of the Town Voters.
- B. At the Annual Budget Meeting, the members of the Boards of Selectmen and Education shall, with respect to their respective budgets:
- (1) ~~present~~ provide their proposed budget to the Town Voters;
  - (2) have available for review by the Town Voters a ~~line-item~~ summary of each department’s proposed budget with a comparison ~~between such budget and~~ to the amount budgeted ~~for such line item~~ in the current fiscal year;
  - (3) if feasible, have available for review by the Town Voters a ~~line-item level comparison between such~~ summary of each department’s proposed budget and the amount estimated to be actually expended ~~for such line item~~ in the current fiscal year; ~~and (4) have available for review by the Town Voters a listing of all fiscal year-to-date transfers and amendments made within the current fiscal year’s budget.~~
- C. At the Annual Budget Meeting, the Town Voters in attendance may reduce, but not increase, the ~~Combined-Town~~ Board of Selectmen Budget and/or the Board of Education Budget upon the passage of a ~~Proper-Motion~~ proper motion(s) (as hereafter defined). A ~~Proper-Motion~~ proper motion shall:
- (1) stipulate a specific dollar amount for reduction;
  - (2) stipulate the budget to which such reduction shall be charged (either the Board of Selectmen or the Board of Education budget);
  - (3) ~~with respect to a reduction in the budget~~ case of the Board of Selectmen Budget, ~~stipulate a specific line item or the specific line items to be reduced; and~~ the specific department’s budget to be reduced must be stipulated. Reductions may not be made to the capital expenditures or debt service line items of the budget.
  - (4) ~~with respect to a reduction in the budget~~ case of the Board of Education Budget, only the bottom line may be reduced.
- D. If ~~(i) the Combined Town Budget, as reduced by such Proper Motion(s), differs from that first presented by more than two percent (2.0%) or (ii) the Board of Selectmen’s budget~~ Budget excluding capital expenditures and debt service, or the Board of Education’s ~~budget differ~~ Budget differs from that first presented by ~~more than three~~ an amount equal to or in excess of one percent (~~3.0~~ 1.0 %), the Annual Budget Meeting shall be continued to a second meeting held no less than two ~~(2)~~ business days following the first meeting. At this second meeting, the ~~Proper-Motion~~ proper motion(s) shall again be introduced to and acted upon by the Town Voters in attendance. Should the ~~Proper-Motion~~ proper motion(s) pass at this second meeting, the ~~Proper-Motion~~ proper

motion(s) shall become effective and shall be incorporated into the proposed Combined ~~Town~~ Budget.

- E. The Annual Budget Meeting shall be automatically ~~be recessed to a referendum to be held on a date determined by the Annual Budget Meeting (the "~~continued to the~~) at the conclusion of the Annual Budget Meeting,~~ at which the ~~Combined Town Budget,~~budgets of the Board of Selectmen and the Board of Education as recommended by the Annual Budget Meeting, shall be presented to the Town Voters for final approval or disapproval.
-

**~~§ C-1003. Procedure.~~**

~~All Town Meetings shall be called in accordance with the General Statutes by resolution of the Board of Selectmen fixing the time and place of said meeting. Notice of said meeting shall be given at least five (5) days in advance by publication in a newspaper of general circulation within the Town and by posting a notice in an exterior place near the office of the Town Clerk. The first item of business at such meeting shall be the election of a moderator from amongst those in attendance; the First Selectman shall preside over such meeting until the moderator is so chosen. All Town Meetings may be recessed and re-convened at a later date and/or a different location upon the passage of a proper motion to do so.~~

**ARTICLE ~~XI,~~ 1106, The Annual Budget Referendum and Special Referendums.**

---

**~~§ C-1101. The Annual Budget Referendum~~ 1106a. The Annual Budget Referendum is a form of referendum and**

The Annual Budget Referendum shall be held on such date as determined by the Annual Budget Meeting. A minimum of two questions shall appear on the ballot for the Annual Budget Referendum. The first question shall require a vote of “Yes” or “No” ~~vote~~ on whether to approve ~~the budget of~~ the Board of Selectmen ~~(including~~ Budget ~~Including~~ debt service and capital expenditure budgets) as recommended by the Annual Budget Meeting. The second question shall require a vote of “Yes” or “No” on whether to approve the ~~budget of the~~ Board of Education Budget as recommended by the Annual Budget Meeting. The Board of Finance may, at its discretion, also direct that an advisory question appear on the ballot for either or both budgets. Such advisory question(s) shall require a response of either “Too High” or “Too Low” to describe the proposed level of spending.

**~~§ C-1102. Special Budget Referendums.~~**

Any action taken at the Annual Budget Meeting that is approved at the Annual Budget Referendum shall be considered conclusively approved, and no further Town Meetings or referenda regarding the specific action may be called.

~~The Board of Selectmen shall call a Special Budget Referendum for approval of any supplemental appropriation for any Town Department which, together with the sum of any other supplemental appropriations approved for said Town Department, exceeds one percent (1.0%) of the Combined Town Budget, excluding the budget of the Board of Education. No such referendum shall be called without first obtaining the recommendation of the Board of Finance on such appropriation.~~

**~~§ C-1103. Special Referendums.~~ 1106b Recount of Annual Budget Referendum**

Recounts of the votes cast at the Annual Budget Referendum shall be pursuant to any applicable provisions in the General Statutes.

---

## ARTICLE 1107, Real Estate Purchases, Sales and Transfers

---

### § C-1107a. Real Estate Purchases, Sales and Transfers.

- A. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting for consideration of the following actions:
- (1) approving real property purchases by the Town not previously budgeted for by the Town, for which the consideration given is an amount equal to or in excess of two percent (2.0%) of the Board of Selectmen Budget, excluding debt service and capital expenditures;
  - (2) approving the sale or other transfer of real property by the Town for which the appraised value of the real property that is the subject of such transaction is an amount equal to or in excess of 2.0% of the Board of Selectmen Budget, excluding debt service and capital expenditures.
- B. If the thresholds outlined above are not met such that a Town Meeting is required, the Board of Finance has the authority to approve real estate purchases and transfers following recommendation by the Board of Selectmen.

---

## ARTICLE 1108, Leases

---

### § C-1108a. Leases.

- A. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting for consideration of approving the execution by the Town, whether as lessor or lessee, of any capital lease option with a non-appropriation clause not previously budgeted for by the Town which obligates the Town for a period of one year or more and commits the Town to either make or receive lease payments for capital equipment with a purchase price that is an amount equal to or in excess of two percent (2.0%) of the Board of Selectmen Budget excluding debt service and capital expenditures.
- B. If the thresholds outlined above are not met such that a Town Meeting is required, the Board of Finance has the authority to approve leases following recommendation by the Board of Selectmen.

---

## ARTICLE 1109, Bonds

---

### § C-1109a. Bonds.

- A. The Board of Selectmen shall call a special budget referendum to consider the approval of the issuance of all bonds. No such referendum shall be called unless the Board of Finance has recommended such bond issue. Refunding of an existing bond issue does not require a special budget referendum.



---

## **ARTICLE 1110, Budget Transfers**

---

### **§ C-1110a. Budget Transfers.**

- A. The First Selectman may authorize transfers of funds between Town departments required to handle immediate matters of public safety such as fire, weather emergencies, or similar events. The First Selectman shall notify the Board of Finance and Selectmen at their next regular meetings.
- C. The First Selectman and Chief Financial Officer shall approve all transfers from salary or benefit line items within a Town Department budget.
- D. Following recommendation by the Board of Selectmen, the Board of Finance has the authority to approve the transfer of funds between previously adopted Town Department budgets.

---

## **ARTICLE 1111, Supplemental Appropriations**

---

### **§ C-1111a. Supplemental Appropriations.**

- A. The First Selectman may authorize supplemental appropriations required to handle matters of immediate public safety such as fire, weather emergencies, respective or similar events. The First Selectman shall notify Boards of Finance and Selectmen at their next regular meetings.
- B. The Board of Finance has the authority to approve supplemental appropriations in an amount that is less than two percent (2.0%) of the budget to which the supplemental appropriation is being made (either the Board of Selectmen Budget, excluding debt service and capital expenditures, or the Board of Education Budget).
- C. The Board of Selectmen shall call a Town Meeting to consider the approval of any supplemental appropriation in an amount that is equal to or exceeds two percent (2.0%) and less than three percent (3.0%) of the budget to which the supplemental appropriation is being made (either the Board of Selectmen Budget, excluding debt service and capital expenditures, or the Board of Education Budget). No such Town Meeting shall be called unless the Board of Finance has recommended such supplemental appropriation. This requirement does not pertain to appropriations of grant monies or matching funds received by the Town.
- D. The Board of Selectmen shall call a Special Budget Referendum for approval of any supplemental appropriation for any Town Department in an amount that is equal to or exceeds three percent (3.0%) of the budget to which the transfer is being made (either the Board of Selectmen Budget, excluding debt service and capital expenditures, or the Board of Education Budget). No such referendum shall be called unless the Board of Finance recommends such supplemental appropriation. The requirement does not pertain to appropriations of grant monies or matching funds received by the Town.

---

## ARTICLE 1112, Grant Programs

---

### § C-1112a. Grant Programs.

~~A. — Any action taken at any Town Meeting may be subject to review by a referendum (a “Special Referendum”). The Board of Selectmen shall call such a Special Referendum if, within thirty (30) days from the date of the Town Meeting at which the contested action was taken, the Board of Selectmen receives a Certified Petition requesting such referendum signed by at least five percent (5.0%) of the total Electors of the Town. The Board of Selectmen shall call said Special Referendum no less than five (5) and no more than twenty (20) days after the date on which the petition is certified in accordance with this Charter.~~

A. Notwithstanding any other provision of this Charter, the Board of Selectmen shall call a Town Meeting to approve the submission of an application for, or the actual participation in, any federal, state, local or private grant program which requires or could require a contribution by the Town in an amount that is equal to or in excess of three percent (3.0%) of the Board of Selectmen Budget, excluding debt service and capital expenditures, over the lifetime of the project (excluding monies received from outside grant sources and matching funds). Programs for which the Board of Education properly makes such application are excluded from the requirements of this section.

~~B. — The only question(s) which shall be presented at such Special Referendum shall be whether to ratify or overrule the action(s) of that particular Town Meeting. All questions so presented shall be phrased such that a vote of “Yes” shall indicate approval of the action(s) of the Town Meeting and a vote of “No” shall indicate disapproval of the action(s) of the Town Meeting.~~

B. Regarding the distribution of funds (grant awards and matching funds) from outside sources for grant projects, the procedures for budget transfers and appropriations outlined in Sections 1110a and 1111a of this Charter are not required.

~~C. — Any action taken at any Town Meeting that is approved at the Annual Budget Referendum or a Special Referendum shall be considered conclusively approved, and no further Town Meetings or Special Referendums regarding the specific action may be called.~~

C. Regarding the distribution of funds for approved grant projects, the procedures for budget transfers and appropriations outlined in Sections 1110a and 1111a of this Charter are not required. If a supplemental appropriation or transfer of funds is required to cover expenditures in excess of the previously approved amount, the procedures outlined in Sections 1110a and 1111a of this Charter are to be followed.

### ~~§ C-1104. Recount of Annual Budget Referendum or Special Referendums.~~

~~—Should the vote cast at either the Annual Budget Referendum or a Special Referendum be decided by a margin of less than two percent (2.0%) of those Electors who cast votes, the vote shall be subject to recount upon the petition of any of the Town Voters. During the pendency of such recount, the Town may not take any action whatsoever in reliance upon the outcome of the initial vote count.~~

---

## **ARTICLE XII, Town Departments and Administration.**

---

### **§ C-1201. Town Departments.**

The Town shall have the following Town Departments and such other Town Departments as may exist at the time ~~of~~or the adoption of this Charter or that may be created pursuant to the provisions of this Charter or the General Statutes:

A. ~~A. a~~ Department of Finance;

B. ~~B. a~~A Department of Public Works;

C. ~~C.—a~~ A Department of Planning and Zoning;

D. ~~D.—a~~ A Department of Public Health;

E. ~~E.—a~~ A Department of ~~Parks and~~ Recreation;

F. ~~F.—a~~ A Department of Code Administration; and

G. ~~G.—a~~ A Department of Engineering.;

H. Cragin Town Library

I. A Department of Senior Services; and

J. A Department of Youth and Social Services

**§ C-1202. ~~The Department of Finance.~~ {Reserved}**

- A. ~~The Department of Finance shall be responsible for maintaining all budgets, accounts and financial records of the Town, including those of the Board of Education. The Department of Finance shall have administrative oversight over all budget accounts and shall be responsible for the disbursement of all monies therefrom. The Department of Finance shall keep records of all financial transactions for the Town, including those of the Board of Education, and shall perform such other duties as deemed necessary by the Board or Finance, the Board of Education or the Superintendent of Schools for the sound administration of their respective budgets. Notwithstanding the foregoing, both the Board of Selectmen and Board of Education shall at all times remain in control of their respective budgets. Additionally, in no way shall the Department of Finance or any provision of this Charter be deemed to abrogate the ability of the Board of Education or the Board of Selectmen to maintain separate administrative oversight of its respective budget.~~
- B. ~~The Department of Finance shall consist of the Chief Financial Officer, who shall be the Department Head, and such other personnel as deemed necessary by the Board of Selectmen.~~
- C. ~~The Board of Selectmen and the Board of Education shall jointly hire the Chief Financial Officer, who shall possess the appropriate practical and technical qualifications for the office. The Chief Financial Officer shall be responsible to the Board of Selectmen and the Board of Education and shall supervise the Department of Finance. The Chief Financial Officer shall also have the additional responsibility of coordinating all purchases for the Town, including those of the Board of Education, and reviewing all fiscal requests to determine budgetary compliance. At least once each month, the Chief Financial Officer shall prepare and present financial statements to the Boards of Education and Finance, together with cost reports and statements of receipts, as each Board shall deem necessary to understand their respective budgets.~~

**§ C-1203. ~~The Department of Public Works.~~ {Reserved}**

- A. ~~The Department of Public Works shall be responsible for:~~
- ~~(1) the inspection and construction, reconstruction, care, maintenance, altering, paving, repairing, draining, cleaning and snow clearance of all public places and of all streets, highways, sidewalks and curbs, and of the installation and maintenance of all public lighting, street signs, guideposts and public utilities;~~
  - ~~(2) the construction, reconstruction, care, repair and maintenance of all public works and public improvements, except those under the jurisdiction of the Department of Parks and Recreation;~~
  - ~~(3) the maintenance, care and improvement of, and construction required in connection with, all public works and public improvements of the Town;~~
  - ~~(4) the improvement, repair and maintenance of all equipment, including automotive equipment, used in the Department of Public Works or in any other department, including police, fire and, upon request, school equipment; and~~
  - ~~(5) the inspection and construction, reconstruction, care, maintenance and operation of all services provided in the Sewer and Water District.~~

- B. ~~The Department of Public Works shall consist of the Director of Public Works, who shall be the Department Head, and such other personnel as is deemed necessary by the Board of Selectmen. The Department of Public Works may delegate such responsibilities to other Town Departments as necessary for the efficient and effective maintenance of Town facilities.~~

**§ C-1204. The Department of Planning and Zoning. {Reserved}**

- A. ~~The Department of Planning and Zoning shall administer the planning and zoning regulations of the Town, as well as any federal or state laws regarding land use.~~
- B. ~~The Department of Planning and Zoning shall consist of the Director of Planning, who shall be the Department Head, and such other personnel as is deemed necessary by the Board of Selectmen.~~

**§ C-1205. The Department of Public Health. {Reserved}**

- A. ~~The Department of Public Health shall carry out the functions of community health assessment, public health policy development, and public health assurance. The Department may fulfill these responsibilities either directly or regionally, through affiliations and other formal arrangements with other community agencies and institutions. The Department of Public Health shall meet all minimum standards set forth in the General Statutes, the public health code, and in state regulations.~~
- B. ~~The Department of Public Health shall consist of the Director of Public Health, who shall be the Department Head, and such other personnel as is deemed necessary by the Board of Selectmen.~~

**§ C-1206. The Department of Parks and Recreation. {Reserved}**

- A. ~~The Department of Parks and Recreation shall be responsible for the planning, conducting and supervising of recreation programs and activities. In addition, the Department of Parks and Recreation shall be responsible for:~~
- ~~(1) the operation, maintenance and management of all parks and recreational facilities of the Town;~~
  - ~~(2) the development of plans and coordination of the design of parks and recreational facilities;~~
  - ~~(3) the maintenance of such other public grounds as may be designated by the Board of Selectmen; and~~
  - ~~(4) the maintenance of grounds and recreational fields subject to the control of the Board of Education, as may be requested by the Board of Education.~~
- B. ~~The Department of Parks and Recreation shall consist of the Director of Parks and Recreation, who shall be the Department Head, and such other personnel as is deemed necessary by the Board of Selectmen.~~

**§ C-1207. The Department of Code Administration. {Reserved}**

- A. ~~The Department of Code Administration shall administer and enforce all relevant and applicable local, state, and federal codes, rules and regulations pertaining to development, building, zoning, and all other matters as prescribed by the Board of Selectmen, the General Statutes or this Charter.~~
- B. ~~The Department of Code Administration shall consist of the Director of Code Administration, who shall be the Department Head, and such other personnel as is deemed necessary by the Board of Selectmen.~~

**§ C-1208. The Department of Engineering. {Reserved}**

- A. ~~The Department of Engineering shall be responsible for, and shall make or shall supervise the making of, all surveys, maps, plans, drawings, bids and estimates thereon relating to the work of the Town or any Town Department including, when requested, the Board of Education. The Town Engineer shall have custody and control of all maps of the Town not entrusted either by the General Statutes, by Ordinance or by this Charter to any other Town Department and shall perform such other duties as the Board of Selectmen may determine. The Department of Engineering, in conjunction with the Director of Public Works, shall provide technical advice to all Town officials and Town Boards concerning the physical matters of the Town and the design and construction of its physical plant. The Department of Engineering shall be responsible for the review of all site plans, site designs and other documents and plans required by land use boards and officials of the Town.~~
- B. ~~The Department of Engineering shall consist of the Director of Engineering, who shall be the Department Head, and such other personnel as is deemed necessary by the Board of Selectmen.~~

---

## **ARTICLE XIII, Town Employees and Appointed Officials.**

---

### **§ C-1301. Town Employees and Appointed Officials.**

The appointment and dismissal of all Town Employees, ~~except those who are elected or are under the jurisdiction of the Board of Police Commissioners,~~ shall be made by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government. All appointments shall be made on the basis of merit and after examination of qualifications. The Board of Selectmen shall neither appoint nor dismiss Town Employees associated with fire protection services except as recommended by the Fire Chief. Before the appointment or dismissal of any Town Employee, the Board of Selectmen shall consult with the board, department or individual to whom the services of such employee are to be or have been rendered.

---

## **ARTICLE XIV, Mandatory Periodic Charter Review.**

---

### **§ C-1401. Charter Review Commission.**

A. Not less than once each ten (10) years, the Board of Selectmen shall appoint a temporary charter review commission (the "Charter Review Commission"). The Charter Review Commission shall review all provisions of the Charter and Town Ordinances then in effect and as the Charter Review Commission deems necessary, shall meet with relevant Department Heads and members of government, and shall solicit citizens' comments on the effectiveness of this Charter and Town Ordinances and the need, if any, to amend, modify or repeal sections of this Charter or any Town Ordinance. Within a time period as set by the Board of Selectmen, the members of the Charter Review Commission shall recommend to the Board of Selectmen either to maintain the Charter and Town Ordinances then in effect or to amend, modify or repeal certain sections of this Charter or any Town Ordinance. Should the Charter Review Commission recommend revisions, the Board of Selectmen may, in accordance with the General Statutes, appoint a charter revision commission to draft the revised Charter and/or Town Ordinances and coordinate the approval and adoption process.

~~B.~~ B. This Charter may be amended at any time upon petition of the Electors, as more fully described in the General Statutes.

---

## **ARTICLE XV, Miscellaneous Provisions.**

---

### **§ C-1501. Consolidation.**

Without further action, and unless otherwise specifically provided in this Charter, the Town shall succeed to all rights, titles, estate and privileges of the former Borough of Colchester. In no event shall any provision of this Charter be construed in any way to change, modify, repeal, amend or otherwise affect

the consolidation of the Borough and the Town of Colchester as one and the same body politic and corporate under the name “Town of Colchester,” as approved at a duly called election on November 7, 1989 and as effective on July 1, 1990.

**§ C-1502. Existing Laws and Ordinances.**

~~A.~~ All general laws applicable to the Town shall continue in full force and effect except as they are inconsistent with the provisions of this Charter.

~~B.~~ All Town Ordinances shall remain in full force and effect, including, but not limited to:

<del>Chapter 18, Article V</del>	<del>Commission of Aging</del>
<del>Chapter 39, Article I</del>	<del>Conservation Commission</del>
<del>Chapter 39, Article III</del>	<del>Conservation Commission Alternates</del>
<del>Chapter 39, Article II</del>	<del>Inland Wetlands and Watercourses</del>
<del>Chapter 18, Article II</del>	<del>Economic Development Commission</del>
<del>Chapter 18, Article IV</del>	<del>Development Agency</del>
<del>Chapter 18, Article VII</del>	<del>Fair Rent Commission</del>
<del>Chapter 18, Article VI</del>	<del>Flood and Erosion Control Board</del>
<del>Chapter 74</del>	<del>Historic District Ordinance</del>
<del>Chapter 18, Article III</del>	<del>Park and Recreation Commission</del>
<del>Chapter 18, Article VIII</del>	<del>Police Commission</del>
<del>Chapter 18, Article IX</del>	<del>Regional Council of Governments</del>
<del>Chapter 18, Article I</del>	<del>Zoning and Planning Commission</del>
	<del>Zoning Board of Appeals</del>
<del>Chapter 46, Article II</del>	<del>Board of Education, Election of</del>
<del>Chapter 27, Article I</del>	<del>Demolition Ordinance</del>
<del>Chapter 120, Article II</del>	<del>Recycling</del>
<del>Chapter 109</del>	<del>Road Ordinance</del>
<del>Chapter 124, Article II</del>	<del>Sidewalk Ordinance</del>
<del>Chapter 124, Article III</del>	<del>Sidewalk Maintenance</del>
<del>Chapter 124, Article I</del>	<del>Street Numbering System Town-Wide</del>
<del>Chapter 150, Article I</del>	<del>Water Conservation</del>
<del>Chapter 120, Article I</del>	<del>Septic Tank Pumping Disposal Ordinance</del>
<del>Chapter 129, Article IV</del>	<del>Ambulance-Type Motor Vehicles Exemption from Taxation</del>
<del>Chapter 21</del>	<del>Bond Issue and Temporary Borrowing</del>
<del>Chapter 129, Article V</del>	<del>Tax Abatement on Structures of Historic or Architectural Merit</del>

Chapter 90, Article I	Social Security
Chapter 129, Article III	Solar Energy Ordinance
Chapter 129, Article II	Tax Collector's Report
Chapter 129, Article I	List of Unpaid Taxes and Abatements
Chapter 105	Town Report
Chapter 60	Uniform Fiscal Year
Chapter 46, Article I	Board of Education
Chapter 24, Article II	Building Permits in Unapproved Subdivisions
Chapter 24, Article III	Building Permits and Fee Schedule
Chapter 24, Article I	Building Code
Chapter 30	Dangerous Building Ordinance
Chapter 77	Housing Partnership
Chapter 139	Trailer Ordinance
Chapter VI, Article II	Alcoholic Beverages at Town Recreational Facility
Chapter 11	Anniversary Celebration
Chapter 14	Bazaars and Raffles
Chapter 10, Article I	Canine Control Ordinance
Chapter 64	Flood Insurance Ordinance
Chapter 81	Cragin Memorial Library
Chapter 7, Article I	Liquor
Chapter 120, Article III	Litter Ordinance
Chapter 144, Article I	Parking Ban Ordinance
Chapter 144 Article I	Parking Ban Ordinance for Snow
Chapter 144, Article II	Parking Regulation Ordinance
Chapter 133	Tourism Development Ordinance
Chapter 98	Street Vendors
Chapter 49	Emergency Communications
Chapter 58	Fire Lane Ordinance
Chapter 67	Inspection of Public Food Service Establishments

### **§ C-1503. Commencement of Terms of Elected Officials.**

The terms of all Elected Officials shall commence on the second Monday following the date of the applicable Municipal Election. All Elected Officials shall hold office until either their successors are elected and qualified or they resign from such office.

**§ C-1504. Minority Political Representation.**

All Appointed Boards and Elected Boards shall have minority political representation in accordance with the General Statutes, except that the minority political representation may be larger than that required by statute if specifically provided in the Charter or by any bylaw or Town Ordinance.

**§ C-1505. Appointment of Justices of the Peace.**

The major political parties, as defined in the General Statutes, shall each be entitled to nominate no more than ~~forty~~Forty (40) individuals to serve as Justices of the Peace for the Town.

**§ C-1506. ~~Quarterly Meeting.~~{Reserved}**

~~—At least once each quarter, the First Selectman shall meet with all Elected Officials, Appointed Officials, Elected Boards and Members of Appointed Boards. Town boards may send representative(s) from their membership to such meetings in lieu of attendance by all board members.~~

**§ C-1507. Transfer of Power.**

All commissions, boards, departments and offices which are either abolished or modified by this Charter, or any amendment thereto, shall continue to hold their respective duties and powers until such time as provision shall have been made for either the transfer or the modification of these duties and powers in accordance with the terms of this Charter or any amendment thereto. All members of Appointed and Elected Boards whose positions are either abolished or modified by this Charter, or any amendment thereto, shall continue to hold their respective duties and powers until such time as provision shall have been made for either the transfer or modification of these duties and powers in accordance with the terms of this Charter or any amendment thereto.

**§ C-1508. Continuation of Appropriations and Town Funds.**

All appropriations approved and in force, and all funds, including special and reserve funds, shall remain in full force and effect unless and until the same shall be amended, transferred or abolished in accordance with the terms of this Charter.

**§ C-1509. Legal Proceedings.**

No action or proceeding, civil or criminal, pending on the effective date of this Charter brought by or against the Town or any commission, board, department or office thereof, shall be affected or abated by the adoption of this Charter or by any provision of this Charter.

**§ C-1510. Savings Clause.**



If either any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall affect neither the remainder of this Charter nor the context in which the section so held invalid may appear.

**§ C-1511. Effective Date.**

The Charter that was effective as of July 1, 1995 shall remain in full force and effect. Any amendments thereto shall be effective on the effective date provided therein.



Document comparison by Workshare 9 on Thursday, August 31, 2017 5:03:58 PM

Input:	
Document 1 ID	interwovenSite://sgdms.shipman.com/SG/5860307/1
Description	#5860307v1<SG> - Town of Colchester/ Charter to be in effect as of November 2007
Document 2 ID	interwovenSite://sgdms.shipman.com/SG/5921162/1
Description	#5921162v1<SG> - Town of Colchester/ Charter draft received August 31
Rendering set	Standard

Legend:	
<a href="#">Insertion</a>	
<del>Deletion</del>	
<del>Moved from</del>	
<a href="#">Moved to</a>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	304
Deletions	362
Moved from	37
Moved to	37
Style change	0
Format changed	0
Total changes	740